



# California Fair Political Practices Commission

June 7, 1989

Bob Connelly  
Chief Administrative Officer  
Assembly Rules Committee  
State Capitol, Room 3016  
Sacramento, CA 94249-0001

Re: Your Request for Advice  
Our File No. A-89-306

Dear Mr. Connelly:

You have requested advice regarding the mass mailing provisions of the Political Reform Act (the "Act").<sup>1</sup> This letter will confirm telephone advice previously provided.

## QUESTION

Does the town hall meeting notice that you have submitted on behalf of Assemblyman Lempert constitute an exception to the mass mailing prohibition as a notice of public meeting and, therefore, a permissible mass mailing?

## CONCLUSION

The notice does not fall within the exception to the mass mailing prohibition and cannot be sent at public expense for the following reasons:

1. The Assemblyman's name may only appear once in the return address portion of the "envelope" portion of the self-mailer. It may not appear a second time in the town hall box.

2. The Assemblyman's name may only appear once on the notice itself--either designating who is calling the meeting or in a

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<sup>1</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

concise description of the subject-matter of the meeting. It may not appear twice as it does in this notice.

3. A concise description of the subject matter of the meeting may not include a description of the elected official.

4. The notice may not contain the phrase "For more information contact..." and the telephone number, because this information is not permitted under the notice exception.<sup>2</sup>

### FACTS

Assemblyman Lempert would like to send a notice of town meeting to several thousand constituents in his district. You have enclosed a copy of the proposed notice for review to see if it is a permissible mailing under exceptions to the mass mailing restrictions.

### ANALYSIS

Section 89001 provides that no mass mailing shall be sent at public expense. A mass mailing means over 200 substantially similar pieces of mail unless sent in response to an unsolicited request, letter or other inquiry. (Section 82041.5.)

Regulation 18901 clarifies that the purpose of Section 89001 is to prevent elected officers from using public funds to send out newsletters and other mass mailings. Regulation 18901 also provides several exceptions to the general prohibition regarding mass mailings. However, all exceptions are to be construed narrowly. (Stirling Advice Letter, No. A-89-132, copy enclosed.)

The town meeting notice that you submitted is intended to comply with an exception to the mass mailing requirements relating to notices of constituent meetings. Specifically, Regulation 18901(f)(8) provides as follows:

(f) The following newsletters or other mass mailings are not prohibited by Government Code Section 89001 if the mailing is sent to the persons specified in each instance below and the mailing consists of:

\* \* \*

(8) Mailings sent to the elected officer's constituents which directly relate to that elected official's incumbent governmental duties and which solely include the time, date, place, and a concise

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<sup>2</sup> The revised notice you have submitted in response to our telephone advice ("Notice 2", copy enclosed) complies with Regulation 18901.

description of the subject matter of a public meeting to be held by the elected officer...

(Emphasis added.)

The purpose of this exception is to allow elected officers to notify their constituents of public meetings to be held by the elected officers. The notice may only state the time, date, place and give a concise description of the subject matter of the meeting. The notice may also contain the name of the elected officer once. (Stirling Advice Letter, supra; Murphy Advice Letter, No. A-89-088, copy enclosed.

The notice that you have provided contains Assemblyman Lempert's name twice--once as inviting constituents to attend and once in the description of the subject matter. One of these references would have to be deleted. The reference to the assemblyman as "author of the Political Reform Act of 1989" is extraneous material describing the author rather than a concise description of the subject matter. Finally, we have previously advised that the portion of the notice stating "For more information contact..." and listing a telephone number appears to be outside the permissible information and therefore not permitted by the exception. (Connelly Advice Letter, No. I-89-110, 111 and 112, copy enclosed.)<sup>3</sup>

In addition to the notice portion of the proposed mailing, there is also a problem with the information included in the "envelope" portion of the self-mailer. We have previously advised that the name of an elected officer may appear once in the return address portion of a self-mailer that is a standard form. (Mott-Smith Advice Letter, No. A-89-153, copy enclosed.) Your form contains a second reference to Assemblyman Lempert in the "town hall" box.

If you have any questions regarding the above, please contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan



By: Margaret W. Ellison  
Counsel, Legal Division

KED/MWE:aa  
Enclosures

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<sup>3</sup> The use of "for more information" may be clarified at the Commission's July 12th meeting.

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# California Legislature

## Assembly Rules Committee

ROOM 3016 - STATE CAPITOL  
P.O. BOX 342849  
SACRAMENTO, CALIFORNIA 94249-0001  
TELEPHONE (916) 445-8173

TOM BANE  
CHAIRMAN

FILED  
MAY 19 1989  
CLERK  
TERRIE F. WILFONG

May 18, 1989

Ms. Kathryn Donovan  
General Counsel  
F.P.P.C.  
428 J Street, Suite 800  
Sacramento, California 95804

Dear Ms. Donovan:

Enclosed is a notice of a town hall meeting that Assemblyman Lempert would like to send to several thousand constituents in his district.

I am requesting advice as to whether this is a public meeting notice under the mass mailing restrictions of Proposition 73 and therefore, a permissible mailing.

Sincerely,



BOB CONNELLY  
Chief Administrative Officer

BC:tfw

cc: Assemblyman Lempert



**ASSEMBLYMAN TED LEMPERT**  
1650 Borel Place, #229  
San Mateo, CA 94402

Bulk Rate  
U.S. Postage  
**PAID**  
State of California  
Assembly



**Please join  
Assemblyman  
Ted Lempert...**



# California Fair Political Practices Commission

May 23, 1989

Bob Connelly  
Chief Administrative Assistant  
Assembly Rules Committee  
State Capitol, Room 3016  
P.O. Box 942849  
Sacramento, CA 94249-0001

Re: Letter No. 89-306


Dear Mr. Connelly:

Your letter requesting advice under the Political Reform Act was received on May 22, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Margaret Ellison an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

  
Kathryn E. Donovan  
General Counsel

KED:plh



# TOWN HALL

m e e t i n g

**Assemblyman Ted Lempert**  
invites you to a  
**San Mateo City Town Hall Meeting**

Saturday, June 24, 1989  
10:00 a.m. to 11:30 a.m.

San Mateo City Council Chambers  
330 W. 20th Avenue  
San Mateo, California

Learn more about the  
Political Reform Act of 1989,  
and express your views on:

*Education • Transportation*  
*Crime • The Environment • Business Concerns*





ASSEMBLYMAN TED LEMPERT  
1650 Borel Place, #229  
San Mateo, CA 94402

Bulk Rate  
U.S. Postage  
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**You Are  
Invited...**